

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

UNITED STATES OF AMERICA )  
 )  
v. ) Case No. 1:10CR-313  
 )  
JOSHUA BEHROUZ NABATKHORIAN )  
 )  
Accused. )

**MOTION TO STRIKE DOWN SENTENCING PROVISION  
OF 18 U.S.C. § 2422(b) AS VIOLATIVE OF EIGHTH  
AMENDMENT OF UNITED STATES CONSTITUTION**

The Accused, Joshua Behrouz Nabatkhorian, by counsel, moves this court to enter an order finding the minimum mandatory sentencing provision of 18 U.S.C. unconstitutional because it is violative of the Eighth Amendment of the United States Constitution.

JOSHUA BEHROUZ NABATKHORIAN  
By Counsel

GREENSPUN, SHAPIRO, DAVIS & LEARY, P.C.

BY: /s/  
PETER D. GREENSPUN  
Counsel for Defendant  
3955 Chain Bridge Road, Second Floor  
Fairfax, Virginia 22030  
(703) 352-0100  
(703) 591-7268 (fax)  
[pdg@greenspunlaw.com](mailto:pdg@greenspunlaw.com)

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of September 2010, I electronically filed the foregoing with the Clerk of the Court using CM/ECF, which will then send a notification of such filing (NEF) to the following:

John Eisinger  
Counsel for the United States  
2100 Jamieson Avenue  
Alexandria, Virginia 22314  
[John.Eisinger@usdoj.gov](mailto:John.Eisinger@usdoj.gov)

/s/  
Peter D. Greenspun  
Counsel for the Defendant  
Greenspun, Shapiro, Davis and Leary, P.C.  
3955 Chain Bridge Road  
Second Floor  
Fairfax, Virginia 22030  
(703) 352-0100  
Fax: (703) 591-7268  
Email: [pdg@greenspunlaw.com](mailto:pdg@greenspunlaw.com)